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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,429	05/10/2005	Guido Koch	2619-0037WOUS	4979

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EXAMINER

CONLEY, FREDRICK C

ART UNIT	PAPER NUMBER
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3673

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/534,429

Applicant(s)

KOCH ET AL.

Examiner

FREDRICK C. CONLEY

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 8 recites the limitation "the lower leg strut". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7, 8, and 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 6,202,230 to Borders.

Claim 7, Borders discloses a leg support arrangement for an operating table with two leg supports (80,82), which leg supports are so connected with a base element (14,16) of an operating table that they are adjustable between a fundamental position in which they lie close to one another parallel to the longitudinal middle axis 36 of the operating table (fig. 6) and a spread position in which they have a spacing from the longitudinal middle axis (fig. 11), wherein each leg support is connected with the base (14,16) by means of a parallelogram joint defined by a post 106 (fig. 11) wherein vertical joint axes (90,92)(fig. 6) are oriented perpendicular to the horizontal plane of the seat section of base, wherein each leg support includes an upper leg support 84 and a lower

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leg support 86 each of which is movable by a folding joint 48 about a horizontal axis relative to the base element and are pivotal relative to one another (fig. 8), that each upper leg support is connected with a connecting piece defined by the first frame section 88 by two parallelogram joint forming links defined by a clevis 100, to which connecting piece the first ends of the links are pivotally connected (col. 7 lines 27-33) and which connecting piece is pivotally connected with the base element for movement about the folding axis for the upper leg support (col. 7 lines 40-42), and that the second ends of the links are pivotally connected to the upper leg support onto which the folding joint for the lower leg support is formed.

Claim 8, Borders discloses the leg support arrangement according to claim 7, wherein the upper leg support includes a connecting member defined by a latch or clamp 150 and an upper leg plate releasably connected to the connecting member (col. 8 lines 22-24), with the links being pivotally connected to the connecting member and with the folding joint for the lower leg support being formed on the connecting member via the connecting piece 88 (col. 8 lines 18-26).

Claim 10, Borders discloses the leg support arrangement according to claim 8, wherein a lower leg strut 90 is connected by a spreading joint defined by pivot axis 128 with a joint arm 152 which is connected with the connecting member by means of the folding joint for the lower leg support, with the axis of the spreading joint being oriented perpendicular to the axis of the folding joint and perpendicular to the plane of the lower leg support plate (fig. 13).

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Claim 11, Borders discloses the leg support arrangement according to claim 7 wherein the connecting piece is insertable into a receiver defined by seat section 22 (fig. 13) fixed to the operating table, which receiver is part of the folding joint for the upper leg support.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,202,230 to Borders in view of U.S. Pat. No. 5,157,800 to Borders.

Claim 9, Borders '230 discloses all of the Applicant's claimed limitations except for a lower leg plate releasably connectable with the lower leg strut. Borders '800 discloses a lower leg plate releasably connectable via a post and spade (37,39) with a lower leg strut (fig. 10-11). It would have been obvious for one having ordinary skill in the art at the time of the invention to employ a releasably connection as taught by Borders '800 in order to store separately store the lower leg support (col.3 lines 52-55).

Response to Arguments

Applicant's arguments filed 11/09/06 and 1/29/07 have been fully considered but they are not persuasive.

Contrary to the Applicant's arguments, the base (14,16) of Borders is connected with each leg support by means of a parallelogram joint defined by post 106 (fig. 11) and whose vertical joint axes (90,92)(fig. 6) are oriented perpendicular to the horizontal plane of the seat section of base and pivot axis 48 is oriented perpendicular to the vertical plane of the pedestal 14.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

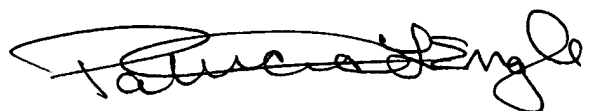
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FREDRICK C. CONLEY whose telephone number is 571-272-7040. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, PATRICIA L. ENGLE can be reached on 571-272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FC



PATRICIA ENGLE
SUPERVISORY PATENT EXAMINER
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2-2-07